

VOLUME 4

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE SUSAN ILLSTON, JUDGE

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
)
VS.)
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)
DANIEL DAVID,)
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)
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DEFENDANT.)
)
)

COPY

NO. CR 02-0062 SI

THURSDAY, MARCH 4, 2004

SAN FRANCISCO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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REPORTED BY: DIANE E. SKILLMAN, CSR 4909
 OFFICIAL COURT REPORTER

1 DANIEL DAVID'S NAME ON IT, OBVIOUSLY THAT ALLOWED US TO FOCUS
2 ON MR. DAVID EARLIER.

3 IF THERE HAD BEEN NO PRINTED NAMES THERE, I STILL
4 WOULD HAVE GONE THROUGH AND SUBPOENAED OR IN SOME WAY OBTAINED
5 THE CHECKS FROM ALL THE VICTIMS -- THE NATIONAL PAYPHONE
6 CLEARINGHOUSE AND SPRINT.

7 I WOULD HAVE ALSO GONE AHEAD AND SUBPOENAED THE
8 RECORDS FOR STEPHEN CORNET BECAUSE THESE, THESE, THE CHECKS
9 WERE MADE OUT, YOU KNOW, WERE PAID INTO STEPHEN CORNET'S
10 ACCOUNT, AT LEAST THE LARGEST CHECKS.

11 AND BY DOING SO, I HAVE NO DOUBT I WOULD HAVE
12 DISCOVERED MR. DANIEL'S INVOLVEMENT BY GOING THROUGH THOSE
13 ROUTES AS WELL. IT JUST WOULD HAVE TAKEN ME LONGER.

14 Q. AGENT COFFIN, DID YOU AT SOME POINT IN YOUR INVESTIGATION
15 COME TO A CONCLUSION ABOUT THE EXISTENCE OR NONEXISTENCE OF
16 BILL JANSEN AND DAVE JACOBS?

17 A. YES, I DID.

18 Q. WHAT CONCLUSION DID YOU DRAW?

19 A. I DETERMINED THAT THESE WERE JUST FICTITIOUS NAMES BEING
20 USED.

21 Q. AND WHAT IS IT THAT YOU BASE THAT CONCLUSION ON?

22 A. MANY DIFFERENT FACTORS ACTUALLY.

23 FOR INSTANCE, THE DRIVER'S LICENSE THAT --
24 IDENTIFICATION THAT WAS USED FOR WILLIAM JANSEN ENDED UP
25 TURNING OUT TO BE FALSE.

1 Q. AND WHO IS THAT?

2 A. DIGITAL ECLIPSE, SCOTT NISBET.

3 Q. ALL RIGHT.

4 NOW, CAN YOU TELL FROM THIS DOCUMENT WHAT WAS SOLD
5 TO MR. NISBET?

6 A. YES.

7 MR. PARRENT: IF WE CAN JUST -- THERE WE GO.

8 BY MR. PARRENT:

9 Q. COULD YOU RUN THROUGH THIS LIST OF ITEMS AND TELL US WHAT
10 ALL THIS MEANS, ESSENTIALLY WHAT IS BEING PURCHASED HERE?

11 A. YES.

12 WHAT THE CUSTOMER IS PURCHASING IS A COMPLETE
13 SYSTEM. THE SYSTEM CONSISTS OF A COMPUTER, SOME SPECIALIZED
14 COMPONENTS THAT GO INTO THE COMPUTER WHICH CAN VARY FROM ORDER
15 TO ORDER, WHICH IS WHY WE HAVE THE INVOICE BROKEN DOWN INTO
16 DIFFERENT SECTIONS, AND THEN WE INSTALL ALSO SOFTWARE, WHICH
17 CAN VARY FROM ORDER TO ORDER.

18 IT ALL WORKS TOGETHER AND FUNCTIONS AS ONE COMPLETE
19 SYSTEM.

20 Q. OKAY.

21 A. SO THE FIRST LINE ON THE ORDER, IT'S REALLY TWO LINES, BUT
22 IT'S ONE ITEM AND ONE PRICE, IS THE AUDISYS 24 LINE SOFTWARE,
23 WHICH IS OUR AUTOMATIC DIALING SYSTEM SOFTWARE.

24 THE NEXT ITEM, THE DIALOGIC 16-CHANNEL VOICE AND
25 LOOP START, WHICH IS NSC. THAT'S A CARD THAT WE INSTALL INSIDE

1 THE COMPUTER, WHICH ALLOWS THE COMPUTER TO PLUG INTO 16 REGULAR
2 TELEPHONE LINES.

3 THE NEXT ITEM, WHICH IS A QUANTITY TWO, ARE TWO,
4 FOUR-PORT ANALOG VOICE BOARDS, WHICH ARE ESSENTIALLY THE SAME
5 FUNCTION AS THE 16-CHANNEL CARD, BUT THEY'RE JUST SMALLER
6 CAPACITY EACH. SO WE PUT THREE CARDS IN THERE, 16, PLUS FOUR
7 PLUS FOUR MAKES 24-LINE CAPACITY ON THIS PARTICULAR SYSTEM.

8 THEN THE NEXT ITEM, INDUSTRIAL PC IS THE UNIT THAT
9 HOUSES ALL OF THIS. IT'S FUNCTIONALLY SIMILAR TO A REGULAR PC,
10 BUT IT JUST LOOKS A LITTLE BIT DIFFERENT. IT PLUGS INTO A RACK
11 AND HAS MORE SPACE TO PLUG ALL THESE BIG CARDS INTO IT.

12 Q. ALL RIGHT.

13 NOW, IF WE CAN GO TO THE SECOND PAGE OF THIS
14 EXHIBIT, PLEASE. WHAT IS THIS DOCUMENT?

15 A. THIS IS AN INFORMATION PAGE THAT WE WOULD GIVE TO
16 PROSPECTIVE CUSTOMERS BASICALLY JUST TO EXPLAIN TO THEM WHAT
17 THE AUTOMATIC DIALING SYSTEM SOFTWARE AND I DON'T KNOW IF IT
18 SPECIFICALLY MAKES REFERENCE TO THE HARDWARE, BUT IT EXPLAINS
19 WHAT THE SOFTWARE OR THE SYSTEM THAT'S RUNNING THE SOFTWARE CAN
20 DO.

21 Q. IS THIS THE SAME SYSTEM THAT MR. NISBET PURCHASED ACCORDING
22 TO THAT INVOICE?

23 A. YES.

24 MR. PARRENT: AND IF WE CAN GO TO EXHIBIT 19, THEN
25 WE WILL COME BACK TO THAT LAST EXHIBIT IN A MINUTE.